

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1573

AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.90-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

- (1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
- (2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- (3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
- (4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
- (5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
- (6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

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- (7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
- (8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
- (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.
- (10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.
- (11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.
- (12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
- (13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:
- (A) the variance procedures are included in the rules; and
 - (B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
- (14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
- (15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
- (16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, or IC 4-35-4-2.
- (17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.
- (18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.
- (19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.
- (20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
- (21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
- (22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.

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(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.

(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).

(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).

(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).

(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.

(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(30) A rule adopted by the Indiana finance authority:

(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;

(B) under IC 8-15-2-17.2(a)(10):

(i) establishing enforcement procedures; and

(ii) making assessments for failure to pay required tolls;

(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or

(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.

(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.

(32) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall

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determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:

- (1) accept the rule for filing; and
- (2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

- (1) The effective date of the statute delegating authority to the agency to adopt the rule.
- (2) The date and time that the rule is accepted for filing under subsection (e).
- (3) The effective date stated by the adopting agency in the rule.
- (4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

- (1) sections 24 through 36 of this chapter; or
- (2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8), (a)(12), or (a)(29) expires on the earlier of the following dates:

- (1) The expiration date stated by the adopting agency in the rule.

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(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

SECTION 2. IC 16-18-2-204.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 204.5. "Limited criminal history", for purposes of IC 16-27-2, has the meaning set forth in IC 16-27-2-1.5.**

SECTION 3. IC 16-27-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter, "limited criminal history" means the limited criminal history from the Indiana central repository for criminal history information under IC 10-13-3.**

SECTION 4. IC 16-27-2-2.2, AS AMENDED BY P.L.212-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2.2. As used in this chapter, "services" includes:**

- (1) home health services (as defined in IC 16-27-1-5);
- (2) any services such as homemaker, companion, sitter, or handyman services provided by a home health agency in the temporary or permanent residence of a patient or client of the home health agency; and
- (3) personal services **(as defined in IC 16-27-4-4).**

SECTION 5. IC 16-27-2-4, AS AMENDED BY P.L.197-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4. (a) A person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 shall apply, not more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for a ~~determination concerning~~ copy of the employee's: ~~national~~**

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- (1) national criminal history; or
- (2) until July 1, 2010, limited criminal history. background check from the Indiana central repository for criminal history information under IC 10-13-3-39.

(b) If a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 determines an employee lived outside Indiana at any time during the two (2) years immediately before the date the individual was hired by the home health agency or personal services agency, the home health agency or personal services agency shall apply, not more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for a determination concerning the employee's national criminal history. This subsection expires June 30, 2010.

(c) If, more than three (3) days after an employee begins providing services in a patient's temporary or permanent residence, a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 discovers the employee lived outside Indiana during the two (2) years immediately before the date the individual was hired, the agency shall apply, not more than three (3) business days after the date the agency learns the employee lived outside Indiana, for a determination concerning the employee's national criminal history. This subsection expires June 30, 2010.

~~(b)~~ (d) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than three (3) business days without applying for:

- (1) a:
 - (A) national criminal history under subsection (a)(1); or
 - (B) limited criminal history as required by subsection (a)(2) until June 30, 2010; or
- (2) a determination concerning that person's national criminal history background check as required by:
 - (A) subsection (a)(1); or
 - (B) subsection ~~(a)~~: (b) or (c) until June 30, 2010.

SECTION 6. IC 16-27-2-5, AS AMENDED BY P.L.134-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 may not employ a person to provide services in a patient's or client's temporary or permanent

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residence if that person's limited criminal history ~~check~~ or national criminal history ~~background check~~ indicates that the person has been convicted of any of the following:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Exploitation of an endangered adult (IC 35-46-1-12).
- (4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).
- (5) Theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the person's employment application date.
- (6) A felony that is substantially equivalent to a felony listed in:
 - (A) subdivisions (1) through ~~(2)~~ (4); or**
 - (B) subdivision (5), if the conviction for theft occurred less than ten (10) years before the person's employment application date;**

for which the conviction was entered in another state.

(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) calendar days without receipt of that person's limited criminal history or national criminal history background check required by section 4 of this chapter, unless either the state police department or the Federal Bureau of Investigation under IC 10-13-3-39 is responsible for failing to provide the person's limited criminal history or national criminal history background check to the home health agency or personal services agency within the time required under this subsection.

SECTION 7. IC 16-39-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) As used in this section, "provider" means the following:

- (1) A physician.
- (2) A dentist.
- (3) A registered nurse.
- (4) A licensed practical nurse.
- (5) An optometrist.
- (6) A podiatrist.
- (7) A chiropractor.
- (8) A physical therapist.
- (9) A psychologist.
- (10) An audiologist.
- (11) A speech-language pathologist.
- (12) A home health agency licensed under IC 16-27.

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(13) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24 or IC 12-29.

(b) A provider shall maintain the original health records or microfilms of the records for at least seven (7) years.

(c) A provider who violates subsection (b) commits an offense for which a board may impose disciplinary sanctions against the provider under the law that governs the provider's licensure, registration, or certification under this title or IC 25.

(d) A provider is immune from civil liability for destroying or failing to maintain a health record in violation of this section if the destruction or failure to maintain the health record occurred in connection with a disaster emergency as declared by the governor under IC 10-14-3-12 or other disaster, unless the destruction or failure to maintain the health record was due to negligence by the provider.

SECTION 8. IC 16-42-19-5, AS AMENDED BY P.L.90-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. As used in this chapter, "practitioner" means any of the following:

- (1) A ~~licensed~~ physician **licensed under IC 25-22.5.**
- (2) A veterinarian licensed to practice veterinary medicine in Indiana.
- (3) A dentist licensed to practice dentistry in Indiana.
- (4) A podiatrist licensed to practice podiatric medicine in Indiana.
- (5) An optometrist who is:
 - (A) licensed to practice optometry in Indiana; and
 - (B) certified under IC 25-24-3.
- (6) An advanced practice nurse who meets the requirements of IC 25-23-1-19.5.
- (7) A physician assistant licensed under IC 25-27.5 who is delegated prescriptive authority under IC 25-27.5-5-6.

SECTION 9. IC 20-28-12-3, AS AMENDED BY P.L.2-2007, SECTION 219, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. An individual who applies for an endorsement as an independent practice school psychologist must meet the following requirements:

- (1) Be licensed as a school psychologist by the department.
- (2) Be employed by a:
 - (A) developmental center;
 - (B) state hospital;
 - (C) public or private hospital;
 - (D) mental health center;



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(E) rehabilitation center;

(F) private school; or

(G) public school;

at least thirty (30) hours per week during the contract period unless the individual is retired from full-time or part-time employment as a school psychologist or the individual has a medical condition or physical disability that restricts the mobility required for employment in a school setting.

(3) Furnish satisfactory evidence to the department that the applicant has received at least a sixty (60) **graduate** semester hour **or ninety (90) quarter hour** master's or specialist degree in school psychology from:

(A) a recognized postsecondary educational institution; or

(B) an educational institution not located in the United States that has a program of study that meets the standards of the department.

(4) Furnish satisfactory evidence to the department that the applicant has demonstrated graduate level competency through the successful completion of course work and a ~~practicum in the areas of assessment and counseling~~ **one thousand two hundred (1,200) hour supervised internship of school psychology, of which at least six hundred (600) hours must be in a school setting.**

(5) Furnish satisfactory evidence to the department that the applicant has **successfully completed** at least one thousand two hundred (1,200) hours of school psychology experience ~~beyond the master's degree level~~ **after completion of graduate degree requirements and not including the supervised internship for degree or licensing requirements.** At least six hundred (600) hours must be in a school setting under the supervision of any of the following:

(A) A physician licensed under IC 25-22.5.

(B) A psychologist licensed under IC 25-33.

(C) A school psychologist endorsed under this chapter **or currently holding a national certification from the National Association of School Psychologists.**

(6) Furnish satisfactory evidence to the department that the applicant has completed, in addition to the requirements in subdivision (5), at least: ~~four hundred (400)~~

(A) twelve (12) hours of supervised experience training provided by a health service professional in psychology licensed under IC 25-33-1 or a psychiatrist licensed as a

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physician under IC 25-22.5 in the identification and referral of mental and behavioral disorders; ~~including at least one (1) hour each week of direct personal supervision by a:~~
 (A) physician licensed under IC 25-22.5;
 (B) psychologist licensed under IC 25-33; or
 (C) school psychologist endorsed under this chapter;
 with at least ten (10) hours of direct personal supervision; and
 (B) ten (10) case studies or evaluations requiring the identification or referral of mental or behavioral disorders.
 Case studies or evaluations may include the following:
 (i) Consultations with teachers and parents.
 (ii) Intervention services, excluding psychotherapy.
 (iii) Functional behavior assessments.
 (iv) Behavior improvement plans.
 (v) Progress monitoring.

(7) Furnish satisfactory evidence to the department that the applicant has completed, in addition to the requirements of subdivisions (5) and (6), ~~fifty-two (52)~~ **thirty (30)** hours of supervision with a physician licensed under IC 25-22.5, a psychologist licensed under IC 25-33, or a school psychologist endorsed under this chapter **or currently holding national certification from the National Association of School Psychologists** that meets the following requirements:

(A) The ~~fifty-two (52)~~ **thirty (30)** hours must be completed within at least twenty-four (24) consecutive months but not less than ~~twelve (12)~~ **six (6)** months.

(B) Not more than one (1) hour of supervision may be included in the total for each week.

~~(C) At least nine hundred (900) hours of direct client contact must take place during the total period under clause (A).~~

(8) Furnish satisfactory evidence to the department that the applicant does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently.

(9) Furnish satisfactory evidence to the department that the applicant has not been the subject of a disciplinary action by a licensing or certification agency of any jurisdiction on the grounds that the applicant was not able to practice as a school psychologist without endangering the public.

(10) Pass the examination provided by the department.

SECTION 10. IC 25-1-2-2.1, AS AMENDED BY P.L.3-2008, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. Rather than being issued

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annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.
- (28) Athlete agents.
- (29) Manufactured home installers.
- (30) Home inspectors.
- (31) Massage therapists.
- (32) Interior designers.**

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(33) Genetic counselors.

SECTION 11. IC 25-1-4-0.5, AS AMENDED BY P.L.57-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction:

- (1) that is approved by:
 - (A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or
 - (B) for a real estate appraiser:
 - (i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or
 - (ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and
- (2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

SECTION 12. IC 25-1-4-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

- (1) a Saturday;
- (2) a Sunday;
- (3) a legal holiday under a state statute; or
- (4) a day that the office in which the act is to be done is closed during regular business hours.

(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

(c) A period under this chapter that begins when a person is

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served with a paper begins with respect to a particular person on the earlier of the date that:

- (1) the person is personally served with the notice; or
- (2) a notice for the person is deposited in the United States mail.

(d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that notice.

SECTION 13. IC 25-1-4-5, AS AMENDED BY P.L.197-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:

- (1) Send the practitioner notice of noncompliance by certified mail **to the practitioner's last known address.**
- (2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).
- (3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon **receipt service** of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

- (1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of **receipt service** of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.
- (2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

- (A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of **receipt service** of the notice.
- (B) Acquire, within six (6) months after **receiving service of** the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal to the practitioner by certified mail.

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(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

- (1) reinstate a practitioner's license; or
- (2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.

SECTION 14. IC 25-1-5-4, AS AMENDED BY P.L.206-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

(b) In addition, the agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; ~~and~~
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services; **and**
- (4) shall operate and maintain the electronic registry of professions established under IC 25-1-5.5.**

(c) In administering the renewal of licenses or certificates under this chapter, the agency shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once

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notice is received from the agency, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

(d) In administering an examination for licensure or certification, the agency shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The agency may require an applicant for license renewal to submit evidence proving that:

- (1) the applicant continues to meet the minimum requirements for licensure; and
- (2) the applicant is not in violation of:
 - (A) the statute regulating the applicant's profession; or
 - (B) rules adopted by the board regulating the applicant's profession.

(f) The agency shall process an application for renewal of a license or certificate:

- (1) not later than ten (10) days after the agency receives all required forms and evidence; or
- (2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the agency with all required forms and evidence.

This subsection does not require the agency to issue a renewal license or certificate to an applicant if subsection (g) applies.

(g) The agency may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the end of the ninety (90) day period, the board shall do one (1) of the following:

- (1) Deny the license renewal following a personal appearance by the applicant before the board.
- (2) Issue the license renewal upon satisfaction of all other conditions for renewal.
- (3) Issue the license renewal and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.
- (5) Upon agreement of the applicant and the board and following

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a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

(h) If an individual fails to appear before the board under subsection (g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2), or (g)(3).

(i) If the board makes a request under subsection (g)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.

(k) Notwithstanding any other statute, the agency may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the agency must obtain the approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

SECTION 15. IC 25-1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 5.5. Electronic Registry of Professions

Sec. 1. The electronic registry of professions is established. This chapter applies to any profession required to use the registry under

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this title.

Sec. 2. As used in the chapter:

- (1) "Applicant" refers to a person who applies for a registration in the electronic registry of professions.
- (2) "Executive director" refers to the executive director of the licensing agency appointed under IC 25-1-5-5.
- (3) "Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.
- (4) "Registrant" means an individual who is registered in the electronic registry of professions as an interior designer under IC 25-20.7.
- (5) "Registry" refers to the electronic registry of professions established by section 1 of this chapter.

Sec. 3. (a) The registry shall be maintained by the licensing agency.

(b) The registry must:

- (1) be maintained in an electronic format;
- (2) allow an applicant to electronically input information to certify, under penalty of perjury, the successful completion of any education, experience, and examination required for the applicant to become registered;
- (3) allow for payment of registration fees through only electronic means;
- (4) include each registrant's:
 - (A) name;
 - (B) city and state of residence;
 - (C) qualifications for registration;
 - (D) registration number;
 - (E) date the applicant was registered;
 - (F) place of business; and
 - (G) registration expiration date; and
- (5) be made available to the public on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

Sec. 4. The licensing agency is not:

- (1) responsible for performing or required to perform any due diligence or review of the veracity of the information represented by an applicant under this chapter;
- (2) liable to any party in any capacity for any misrepresentation, fraud, or omission or other such conduct committed or caused by an applicant who applies for registration under this chapter; or

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(3) liable to any party in any capacity for any misrepresentation, fraud, or omission or other such conduct committed or caused by any individual who is registered under this chapter.

Sec. 5. The licensing agency may adopt rules under IC 4-22-2 to implement this chapter.

Sec. 6. (a) Beginning in July 2014, and each five (5) years thereafter, the agency shall review the use of the registry by each profession on the registry to determine whether there is sufficient use of the registry to justify continuing the registration of each profession under this chapter.

(b) If new professions are required by the general assembly to be registered by the agency, five (5) years after the addition of each profession, the agency shall review the use by the profession of the registry to determine whether there is sufficient use of the registry to justify continuing the registration of the profession under this chapter.

(c) After a review required under subsection (a) or (b), the agency shall prepare a report with recommendations for the general assembly. A report under this subsection shall be submitted to the legislative council by October 1 of the year in which the report is required. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

SECTION 16. IC 25-1-9-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 21.** The board may adopt rules under IC 4-22-2 to establish requirements for the management and disposition of health records (as defined in IC 16-18-2-168) on the discontinuation of practice by:

- (1) sale;
- (2) transfer;
- (3) closure;
- (4) disciplinary action;
- (5) retirement; or
- (6) death;

of the practitioner.

SECTION 17. IC 25-1-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 12. (a)** The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

- (1) Permanently revoke a practitioner's license.

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- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:

- (A) report regularly to the board upon the matters that are the basis of probation;
- (B) limit practice to those areas prescribed by the board;
- (C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
- (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

- (6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

- (7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.**

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

SECTION 18. IC 25-1-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 15. Exemptions for Athletic Organization Practitioners Licensed in Other Jurisdictions

Sec. 1. As used in this chapter, "license" includes a license, certificate, or registration.

Sec. 2. As used in this chapter, "practitioner" refers to any of

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the following:

- (1) Athletic trainer.
- (2) Chiropractor.
- (3) Dentist.
- (4) Dietitian.
- (5) Marriage and family therapist.
- (6) Massage therapist.
- (7) Mental health counselor.
- (8) Nurse.
- (9) Occupational therapist.
- (10) Optometrist.
- (11) Physical therapist.
- (12) Physician.
- (13) Physician assistant.
- (14) Podiatrist.
- (15) Psychologist.
- (16) Respiratory care practitioner.
- (17) Social worker.

Sec. 3. (a) A practitioner licensed in another state, territory, or jurisdiction of the United States or of any nation or foreign jurisdiction is exempt from the requirements of licensure under this title, if the practitioner:

- (1) holds an active license to practice the profession in question in the other jurisdiction;
- (2) engages in the active practice of the profession in which the practitioner is licensed in the other jurisdiction; and
- (3) is employed or designated as the athletic or sports organization's practitioner by an athletic or sports organization visiting Indiana for a specific sporting event.

(b) A practitioner's practice under this section is limited to the members, coaches, and staff of the athletic or sports organization that employs or designates the practitioner.

(c) A practitioner practicing in Indiana under the authority of this section:

- (1) does not have practice privileges in any licensed hospital or health care facility; and
- (2) is not authorized to issue orders or prescriptions or to order testing at a medical facility;

in Indiana.

(d) A practitioner's practice under this section may not exceed thirty (30) consecutive days for a specific event.

SECTION 19. IC 25-7-5-15 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. The board shall adopt rules under IC 4-22-2 to:

- (1) prescribe sanitary requirements for:
 - (A) barber shops; and
 - (B) barber schools;
- (2) establish standards for the **competent** practice of barbering and the operation of:
 - (A) barber shops; and
 - (B) barber schools. ~~and~~
- ~~(3) implement the licensing system under this article and provide for a staggered renewal system for licenses.~~

SECTION 20. IC 25-7-5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. **(a) A:**

- (1) member of the board;
- (2) state inspector; or
- (3) state investigator;

may inspect a barber shop or barber school during the shop's or school's regular business hours.

(b) A member of the board, state inspector, or state investigator may inspect:

- (1) a barber shop; or**
- (2) a barber school;**

before an initial license is issued.

SECTION 21. IC 25-7-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. **(a) All licenses Except for an instructor license issued under subsection (c) or IC 25-7-8-1, a license issued or renewed under this article other than those described in subsection (b) are is valid for four (4) years.**

~~(b) Barber school licenses are valid for two (2) years.~~

(b) A license issued to an instructor under IC 25-8-6-1 expires at the time that the instructor's barber license expires. The board shall renew an instructor's license under this subsection concurrently with the instructor's barber license.

(c) Initial provisional licenses are valid for a length of time determined by the board, but not to exceed two (2) years.

SECTION 22. IC 25-7-6-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. **(a) This section applies only to applications for a barber license under IC 25-7-10.**

(b) If an applicant comes from a jurisdiction that does not issue a barber license, the board may issue an initial provisional license to an applicant who meets the following requirements:

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(1) The board finds that the applicant has sufficient training or experience as a barber.

(2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.

(3) The applicant pays a fee established by the board under IC 25-1-8.

(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed barber.

(d) A person who holds an initial provisional license may apply for renewal of a barber license under section 12 of this chapter.

(e) The holder of a provisional license may petition the board for the issuance of a barber license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from terms of the provisional license and is entitled to hold a license under IC 25-7-10-1.

SECTION 23. IC 25-7-10-4, AS AMENDED BY P.L.157-2006, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) If a person does not receive a satisfactory grade on the written examination described in IC 25-7-6-5, the person may repeat the examination ~~within ninety (90) days after the date of the examination~~ **not more than four (4) times** without completing any additional study in barbering.

(b) If, **after five (5) attempts**, a person does not receive a satisfactory grade on the ~~repeat~~ examination described in ~~subsection (a); IC 25-7-6-5~~, the person will be permitted to repeat the examination only upon proof of completion of ~~two one hundred fifty (250) (100)~~ additional hours of training at an approved barber school.

SECTION 24. IC 25-8-3-28, AS AMENDED BY P.L.157-2006, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28. **(a)** A member of the board or any inspector or investigator may inspect:

- (1) a cosmetology salon;
- (2) an electrology salon;
- (3) an esthetic salon;
- (4) a manicuring salon; ~~or~~
- (5) a cosmetology school; **or**
- (6) a mobile salon;**

during its regular business hours.

(b) A member of the board or any inspector or investigator may inspect:

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- (1) a cosmetology salon;
- (2) an electrology salon;
- (3) an esthetic salon;
- (4) a manicuring salon;
- (5) a cosmetology school; or
- (6) a mobile salon;

before an initial license is issued.

SECTION 25. IC 25-8-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) If the board determines that:

- (1) a person possesses a valid license from another jurisdiction to perform acts that require a license under this article; and
- (2) the jurisdiction issuing the license imposes substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license;

the board may issue a license to perform those acts in Indiana to that person upon payment of the fee required under IC 25-8-13.

(b) This subsection applies only to applications for a cosmetologist license under IC 25-8-9. If the jurisdiction issuing the license does not impose substantially equal requirements **for education hours** as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed a minimum of one thousand (1,000) hours of education.

(c) This subsection applies only to applications for a manicurist license under IC 25-8-11. ~~Applicants for a manicurist license under this section must take the written examination described by section 8(2) of this chapter and score at least seventy-five percent (75%) on the examination. If the jurisdiction issuing a license does not impose~~ **substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction, as follows:**

- (1) **For an applicant with less than twenty (20) years of actual licensed practice as a manicurist, one (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed at least three hundred (300) hours of education.**
- (2) **For an applicant with twenty (20) or more years of actual**

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licensed practice as a manicurist, one (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed at least one hundred (100) hours of education.

(d) This subsection applies only to applications for an electrologist license under IC 25-8-10. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice as an electrologist is equal to one hundred (100) hours of education to an applicant who has completed at least two hundred (200) hours of education.

(e) This subsection applies only to applications for an esthetician license under IC 25-8-12.5. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice as an esthetician is equal to one hundred (100) hours of education to an applicant who has completed at least four hundred (400) hours of education.

(f) This subsection applies only to applications for a beauty culture instructor license under IC 25-8-6. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice as a beauty culture instructor is equal to one hundred (100) hours of education to an applicant who has completed at least seven hundred (700) hours of education.

SECTION 26. IC 25-8-4-2.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.9. (a) This section applies only to applications for a cosmetologist license under this article.

(b) If an applicant comes from a jurisdiction that does not issue a cosmetologist license, the board may issue an initial provisional license to an applicant who meets the following requirements:

(1) The board finds that the applicant has sufficient training or experience as a cosmetologist.

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(2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.

(3) The applicant pays a fee established by the board under IC 25-1-8.

(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed cosmetologist.

(d) A person who holds an initial provisional license may apply for renewal of a cosmetologist license under section 19 of this chapter.

(e) The holder of a provisional license may petition the board for the issuance of a cosmetologist license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from the terms of the provisional license and is entitled to hold a license under IC 25-8-4.

SECTION 27. IC 25-8-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) Except for an instructor license issued under subsection (d) or IC 25-8-6-1, a license issued ~~or renewed~~ under this article is ~~valid for~~ expires on a date specified by the licensing agency under IC 25-1-6-4 and expires four (4) years after the initial expiration date.

(b) A license issued to an instructor under IC 25-8-6-1 expires at the time that the instructor's practitioner license expires. The board shall renew an instructor's license under this subsection concurrently with the instructor's practitioner license.

(c) Except as provided in IC 25-8-9-11, a person who holds a license under this article may apply for renewal.

(d) Initial provisional licenses are valid for a length of time determined by the board, but not to exceed two (2) years.

SECTION 28. IC 25-8-9-9, AS AMENDED BY P.L.197-2007, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The temporary cosmetologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice cosmetology under the supervision of a cosmetologist; and
- (2) has filed an application under:
 - (A) section 2 of this chapter, but has not taken the examination described by section 3(4) of this chapter; or
 - (B) IC 25-8-4-2 and is awaiting a board determination.

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(b) The temporary electrologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice electrology under the supervision of an electrologist; and
- (2) has filed an application under:
 - (A) IC 25-8-10-2, but has not taken the examination described in IC 25-8-10-3(3); or
 - (B) IC 25-8-4-2 and is awaiting a board determination.

(c) The temporary esthetician work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice esthetics under the supervision of an esthetician **or cosmetologist**; and
- (2) has filed an application under:
 - (A) IC 25-8-12.5-3, but has not taken the examination described in IC 25-8-12.5-4(4); or
 - (B) IC 25-8-4-2 and is awaiting a board determination.

(d) The temporary manicurist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice manicuring under the supervision of a cosmetologist or manicurist; and
- (2) has filed an application under:
 - (A) IC 25-8-11-3, but has not taken the examination described in IC 25-8-11-4(4); or
 - (B) IC 25-8-4-2 and is awaiting a board determination.

SECTION 29. IC 25-8-10-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4. (a) This section applies only to applications for an electrologist license under this article.**

(b) If an applicant comes from a jurisdiction that does not issue an electrologist license, the board may issue an initial provisional license to an applicant who meets the following requirements:

- (1) The board finds that the applicant has sufficient training or experience as an electrologist.**
- (2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.**
- (3) The applicant pays a fee established by the board under IC 25-1-8.**

(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed cosmetologist or a licensed electrologist.

(d) A person who holds an initial provisional license may apply

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for renewal of an electrologist license under this chapter.

(e) The holder of a provisional license may petition the board for the issuance of an electrologist license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from the terms of the provisional license and is entitled to hold a license under this chapter.

SECTION 30. IC 25-8-11-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) This section applies only to applications for a manicurist license under this article.

(b) If an applicant comes from a jurisdiction that does not issue a manicurist license, the board may issue an initial provisional license to an applicant who meets the following requirements:

- (1) The board finds that the applicant has sufficient training or experience as a manicurist.
- (2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.
- (3) The applicant pays a fee established by the board under IC 25-1-8.

(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed cosmetologist or licensed manicurist.

(d) A person who holds an initial provisional license may apply for renewal of a manicurist license under this chapter.

(e) The holder of a provisional license may petition the board for the issuance of a manicurist license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from the terms of the provisional license and is entitled to hold a license under this chapter.

SECTION 31. IC 25-8-12.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. ~~Except as provided in section 7 of this chapter,~~ To receive a license issued under this chapter, a person must:

- (1) be at least eighteen (18) years of age;
- (2) have successfully completed the tenth grade or received the equivalent of a tenth grade education;
- (3) have graduated from an esthetics program in a cosmetology school;
- (4) have received a satisfactory grade (as defined by IC 25-8-4-9)

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on an examination for esthetician license applicants prescribed by the board;

(5) not have committed an act for which the person could be disciplined under IC 25-8-14; and

(6) pay the fee set forth in IC 25-8-13-11 for the issuance of a license under this chapter.

SECTION 32. IC 25-8-12.5-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8. (a) This section applies only to applications for an esthetician license under this article.**

(b) If an applicant comes from a jurisdiction that does not issue an esthetician license, the board may issue an initial provisional license to an applicant who meets the following requirements:

(1) The board finds that the applicant has sufficient training or experience as an esthetician.

(2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.

(3) The applicant pays a fee established by the board under IC 25-1-8.

(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed cosmetologist or a licensed esthetician.

(d) A person who holds an initial provisional license may apply for renewal of an esthetician license under this chapter.

(e) The holder of a provisional license may petition the board for the issuance of an esthetician license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from the terms of the provisional license and is entitled to hold a license under this chapter.

SECTION 33. IC 25-8-15.4-6, AS AMENDED BY P.L.194-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6. To obtain a license to operate a tanning facility, a person: ~~must do the following:~~**

(1) ~~must~~ submit an application to the board on a form prescribed by the board;

(2) ~~must~~ pay a fee established by the board under IC 25-1-8-2; and

(3) ~~may be subject to an inspection of the facility by the board.~~

SECTION 34. IC 25-14-5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]:

Chapter 5. Dental Underserved Area and Minority Recruitment Program

Sec. 1. As used in this chapter, "committee" means the dental recruitment committee established by section 4 of this chapter.

Sec. 2. As used in this chapter, "fund" refers to the Indiana dental recruitment fund established by section 5 of this chapter.

Sec. 2.5. As used in this chapter, "minority" means an individual identified as any of the following:

- (1) Black or African-American.
- (2) Hispanic or Latino.

Sec. 3. As used in this chapter, "underserved area" means a county, city, town, census tract, or township designated by the state department of health under IC 16-46-5-7 or by the committee as underserved by general dentists, pediatric dentists, oral surgeons, or dental hygienists.

Sec. 4. (a) The dental recruitment committee is established.

(b) The committee consists of four (4) members as follows:

- (1) One (1) member of the board, who is selected by the board.
- (2) The commissioner of the state department of health, or the commissioner's designee.
- (3) The president of the Indiana Dental Association, or the president's designee.
- (4) The dean of the Indiana University School of Dentistry, or the dean's designee.

(c) The member selected under subsection (b)(1) shall serve as chairperson of the committee.

Sec. 5. (a) The Indiana dental recruitment fund is established. The purpose of the fund is to provide grants to dentists and dental hygienists to encourage the full-time delivery of dental care in underserved areas and to increase the number of minority dentists and dental hygienists in Indiana. The board shall administer the fund.

(b) The fund consists of the following:

- (1) Payments made under section 6(3) of this chapter.
- (2) Gifts to the fund.
- (3) Grants from public or private sources.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The fund shall be used to do the following:

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- (1) Provide grants under this chapter.
- (2) Pay the costs incurred by the committee in administering this chapter.

Sec. 6. To be eligible for a grant, a dentist or dental hygienist must meet all the following conditions:

- (1) Hold a license to practice as a dentist under this article or as a dental hygienist under IC 25-13-1.
- (2) Has entered into an agreement with the committee to:
 - (A) either:
 - (i) commit to working five (5) years in a underserved area or as a minority dentist or dental hygienist in Indiana for a yearly grant of thirty-five thousand dollars (\$35,000); or
 - (ii) commit to working two (2) years in a underserved area or as a minority dentist or dental hygienist in Indiana for a yearly grant of thirty thousand dollars (\$30,000) with the option by the dentist or dental hygienist to serve up to three (3) additional years for a yearly grant of thirty-five thousand dollars (\$35,000);
 - (B) provide an average of at least forty (40) hours of dentistry per week in underserved areas or as a minority dentist or dental hygienist in Indiana;
 - (C) maintain a patient base that includes at least thirty percent (30%) as Medicaid patients; and
 - (D) provide a sliding fee scale, as approved by the committee, for low income patients.
- (3) Has entered into an agreement with the committee that if the dentist or dental hygienist does not comply with the requirements in subdivision (2) that the dentist or dental hygienist will pay back to the committee seven thousand five hundred dollars (\$7,500), plus interest, for each month that the dentist or dental hygienist did not serve or had left to serve under the terms of the agreement.

Sec. 7. A dentist or dental hygienist must apply for a grant on an application form supplied by the committee.

Sec. 8. The committee shall consider each application and determine the following:

- (1) The eligibility of the applicant for the grant program.
- (2) The availability of sufficient money in the fund.

Sec. 9. The committee may recommend rules for the board to adopt under IC 4-22-2 that are necessary to administer this chapter.

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SECTION 35. IC 25-17.3 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

ARTICLE 17.3. GENETIC COUNSELORS

Chapter 1. Applicability

Sec. 1. This article applies after June 30, 2010.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

Sec. 3. "Board" refers to the medical licensing board of Indiana created by IC 25-22.5-2-1.

Sec. 4. "Genetic counseling" means the communication by an individual of any of the following:

(1) Estimating, through the following methods, the likelihood of the occurrence or recurrence of a birth defect or a potentially inherited or genetically influenced condition:

(A) Obtaining and analyzing the health history of an individual and the individual's family.

(B) Reviewing medical records.

(C) Evaluating the risks of exposure to possible mutagens or teratogens.

(D) Recommending genetic testing or other evaluation to detect fetal abnormalities or determine the carrier status of a family member.

(2) Explaining to an individual or a family the following:

(A) The medical, psychological, and social implications of a disorder and the usual course of evaluation, treatment, or management.

(B) The genetic factors that contribute to the disorder and how the genetic factors affect the chance for recurrence of the condition in other family members.

(C) The available options for coping with, preventing, or reducing the chance of occurrence or recurrence of the disorder.

(D) The genetic or other tests available for inherited disorders.

(E) How to interpret complex genetic test results.

Sec. 5. "Genetic counselor" means an individual who is licensed under this article to provide genetic counseling.

Sec. 6. "Genetic supervision" refers to the assessment by:

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- (1) an individual who is licensed under this article; or
 - (2) a physician licensed under IC 25-22.5;
- of an individual who is issued a temporary genetic counselor license. The term includes regular meetings and chart review under a genetic supervision contract entered into by both parties.

Chapter 3. Powers and Duties of the Board

Sec. 1. The board shall enforce this article.

Sec. 2. The board may adopt rules under IC 4-22-2 that are consistent with this article and with IC 25-22.5 and that are necessary for the proper enforcement of this article and for the conduct of the practice of genetic counseling.

Chapter 4. Requirements for Licensure as a Genetic Counselor

Sec. 1. To qualify for licensure as a genetic counselor, an applicant must:

- (1) submit an application on a form developed by the board;
- (2) pay the licensure fee determined by the board;
- (3) provide written evidence that the applicant has earned:
 - (A) a master's degree from a genetic counseling training program accredited by the American Board of Genetic Counseling or its successor; or
 - (B) a doctoral degree from a medical genetics training program that is accredited by the American Board of Medical Genetics or its successor; and
- (4) meet the examination requirement for certification as:
 - (A) a genetic counselor by the American Board of Genetic Counseling or the American Board of Medical Genetics or the successor of these entities; or
 - (B) a medical geneticist by the American Board of Medical Genetics or its successor.

Sec. 2. (a) The board may issue a temporary license to an applicant who:

- (1) meets all the requirements for licensure under section 1 of this chapter except the examination for certification requirement set forth in section 1(4) of this chapter; and
- (2) has an active candidate status for the certification.

(b) An individual who is issued a temporary license under this section:

- (1) must apply for and take the next available examination for certification; and
- (2) may practice under the temporary license only if directly supervised by a licensed genetic counselor or a physician licensed under IC 25-22.5 under a genetic supervision

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contract.

(c) An individual who holds a temporary license issued under this section and fails the examination for certification described in section 1(4) of this chapter for the first time may reapply for a second temporary license. The board may not issue a temporary license to an individual who has failed the examination for certification more than one (1) time.

(d) A temporary license issued under this section expires upon the earliest of the following:

- (1) The date on which the individual meets the requirements of this chapter and is issued a license.
- (2) The date that is thirty (30) days after the individual fails the examination for certification described in section 1(4) of this chapter.
- (3) The date printed on the temporary license.

(e) An individual who is issued a temporary license under this section shall inform the board of the results of the individual's examination for certification described in section 1(4) of this chapter.

Sec. 3. The board may issue a license to an individual who:

- (1) is licensed, certified, or registered in another state or territory of the United States that has requirements determined by the board to be substantially equivalent to the requirements specified in this article;
- (2) is in good standing in the other state or territory;
- (3) applies in the manner required by the board; and
- (4) pays an application fee specified by the board.

Sec. 4. The following individuals are not required to be licensed under this article:

- (1) An individual who is licensed as a physician under IC 25-22.5 or a nurse under IC 25-23. However, the individual may not use the title "genetic counselor" or any other title that indicates that the individual is a genetic counselor unless the individual is licensed under this article.
- (2) A student or an intern from an accredited school who is participating in a supervised training program.
- (3) An individual from another state who is certified by the American Board of Medical Genetics or the American Board of Genetic Counseling and acting in Indiana on a consultant basis.

Sec. 5. (a) A license issued by the board expires on the date established by the agency under IC 25-1-5-4 in even-numbered

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years.

(b) To renew a license, a genetic counselor shall:

- (1) pay a renewal fee not later than the expiration date of the license; and
- (2) meet all other requirements for renewal under this chapter.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid without further action by the board.

(d) If an individual holds a license that has been invalid for not more than three (3) years, the board shall reinstate the license if the individual meets the requirements of IC 25-1-8-6(c).

(e) If more than three (3) years have elapsed since the date a license has expired, the individual who holds the expired license may seek reinstatement of the license by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

Sec. 6. (a) To renew a license under this article, an applicant must complete continuing education. The continuing education must meet the requirements of IC 25-1-4 and consist of:

- (1) the completion in each two (2) year license cycle of fifty (50) contact hours that have been approved by the National Society of Genetic Counselors; or
- (2) the successful completion in each two (2) year license cycle of a reading assignment and proctored examination in medical genetics provided by the American Board of Medical Genetics.

(b) An applicant seeking renewal of a license shall certify that the applicant:

- (1) has complied with the continuing education requirements; or
- (2) has not complied with the continuing education requirements but is seeking a waiver from the board under section 7 of this chapter.

Sec. 7. The board may grant an applicant seeking renewal of a license a waiver from all or part of the continuing education requirement for the renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following conditions:

- (1) Service in the armed forces of the United States during a substantial part of the renewal period.
- (2) An incapacitating illness or injury.
- (3) Other circumstances determined by the board.

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Chapter 5. Unlawful Practices

Sec. 1. An individual who does not have a valid license or temporary license as a genetic counselor under this article may not use the title "genetic counselor", "licensed genetic counselor", or any word, letter, abbreviation, or insignia that indicates or implies that the individual has been issued a license or has met the qualifications for licensure under this article.

Sec. 2. (a) If the board believes that a person has engaged in or is about to engage in an act or practice that constitutes or will constitute a violation of section 1 of this chapter, the board may apply to a circuit or superior court for an order enjoining the act or practice.

(b) If the board determines that a person has engaged in or is about to engage in an act or practice that constitutes or will constitute a violation of section 1 of this chapter, an injunction, a restraining order, or another appropriate order may be granted by the court.

Sec. 3. A person who violates this chapter commits a Class A misdemeanor. In addition to any other penalty imposed for a violation of this chapter, the board may, in the name of the state of Indiana through the attorney general, petition a circuit or superior court to enjoin the person who is violating this chapter from practicing genetic counseling in violation of this chapter.

SECTION 36. IC 25-20-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) Standards for licensing shall be determined by the board. ~~who~~ The board may require that an applicant pass an examination by written and practical tests in order to demonstrate that the applicant is qualified to fit and dispense hearing aids. ~~provided that it not~~ An examination required under this section may not be conducted in such a manner that college training ~~be~~ is required in order to pass the examination.

(b) Nothing in this section shall imply that the applicant shall possess the degree of medical competence normally expected by physicians. ~~The examinations shall be given at three (3) month intervals.~~

(c) The committee shall propose rules to the board concerning the competent practice of hearing aid dealing.

(d) The board shall adopt rules, based on the committee's proposed rules, under IC 4-22-2 establishing standards for competent practice as a hearing aid dealer.

SECTION 37. IC 25-20.7 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY

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ARTICLE 20.7. INTERIOR DESIGNERS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Agency" means the Indiana professional licensing agency established by IC 25-1-5-3.

Sec. 3. "Applicant" means an interior designer who applies for a registration under this article.

Sec. 4. "ARE" refers to the Architectural Registration Exam.

Sec. 5. (a) "Interior design" means client consultation and preparation and administration of design documents that include:

- (1) design studies;**
- (2) drawings;**
- (3) schedules;**
- (4) specifications; and**
- (5) contracts;**

relating to nonstructural and nonseismic interior elements of a building or structure.

(b) The term includes design documents for space plans, reflected ceiling plans, egress, ergonomics, and the design or specification of fixtures, furnishings, equipment, cabinetry, lighting, materials, finishes, and interior design that does not materially affect the building system.

(c) The term does not include construction documents for construction (as defined in 675 IAC 12-6-2(c)) that are prepared only by architects and engineers and filed for state design release.

Sec. 6. "Interior designer" means a person who practices interior design.

Sec. 7. "NCIDQ" refers to the National Council for Interior Design Qualification.

Sec. 8. "Nonstructural or nonseismic" means interior elements or components that:

- (1) are not load bearing or do not assist in the seismic design of a building;**
- (2) do not require design computations for the structure of a building; and**
- (3) do not include the structural frame system supporting a building.**

The term includes ceiling and partition systems that employ normal and typical bracing conventions and are not part of the structural integrity of the building.

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Sec. 9. "Reflected ceiling plan" means a ceiling design that illustrates a ceiling as if the ceiling were projected downward and may include lighting elements.

Sec. 10. "Registered interior designer" means a person registered under this article.

Sec. 11. "Space planning" means the analysis of design or spatial and occupancy requirements, including space layouts and final planning.

Chapter 2. Registration Requirements

Sec. 1. This article applies to a person who practices interior design after December 31, 2009.

Sec. 2. This article does not apply to an owner or employee of a manufacturing, wholesale, or retail establishment who provides consultation regarding interior decoration or furnishing:

- (1) on the premises of the establishment;
- (2) for purposes of an actual or prospective retail sale; or
- (3) in the design, construction, ordering, or sale of:
 - (A) recreational vehicles;
 - (B) manufactured homes certified through the United States Department of Housing and Urban Development; or
 - (C) industrialized building systems certified through the department of homeland security.

Sec. 3. This article does not apply to a person who:

- (1) does not profess to be a registered interior designer; and
- (2) is:
 - (A) an architect registered under IC 25-4; or
 - (B) a professional engineer registered under IC 25-31.

Sec. 4. Under IC 25-1-5.5, the agency shall maintain an electronic registry of all interior designers who:

- (1) electronically apply for and meet the registration requirements under this article;
- (2) swear or affirm under penalty of perjury that the interior designer's representations and information provided to the agency are true; and
- (3) pay the fees under IC 25-20.7-3.

Sec. 5. Except as provided in section 8 of this chapter, the agency shall electronically register only an applicant who does the following:

- (1) Electronically applies for the registration on a form prescribed by the agency.
- (2) Meets the requirements of this article.
- (3) Except as provided in section 6 or 8 of this chapter, passes:

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- (A) the examination administered by the NCIDQ; or
- (B) the ARE.

(4) Pays the registration fee under IC 25-20.7-3.

Sec. 6. The examination requirement under section 5(3) of this chapter is waived if the applicant holds a current certificate issued by the NCIDQ or documentation of the successful completion of the ARE.

Sec. 7. To qualify for registration under this article, an applicant must not have a conviction for:

- (1) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or
- (2) a felony that has a direct bearing on the applicant's ability to practice competently.

Sec. 8. The agency shall register an applicant who:

- (1) applies for registration under this article before December 31, 2011;
- (2) meets all the registration requirements under this article other than the requirement under section 5(3) of this chapter; and
- (3) meets one (1) or more of the following:
 - (A) Has:
 - (i) received at least two (2) years of interior design education; and
 - (ii) practiced in the field of interior design for at least ten (10) years.
 - (B) Has practiced interior design for at least fifteen (15) years.

Sec. 9. The agency shall renew a registration of a registered interior designer only if the registered interior designer meets the following conditions:

- (1) The applicant successfully completes the continuing education requirements under this chapter.
- (2) The applicant pays the renewal fee under IC 25-20.7-3.
- (3) Except for an applicant who is registered under section 8 of this chapter, the applicant:
 - (A) has documentation of successful completion of the examination administered by the ARE; or
 - (B) holds a current certificate issued by the NCIDQ.

Sec. 10. A registered interior designer must complete at least twelve (12) hours of continuing education in interior design or a discipline related to the practice of interior design for the renewal of a certificate of registration under this chapter.

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Sec. 11. A registered interior designer who continues to actively practice interior design shall:

- (1) renew the registration not more than ninety (90) days before the expiration of the registration; and**
- (2) pay the renewal fee under IC 25-20.7-3.**

Sec. 12. This article is not intended to relieve a registered interior designer from complying with any rule adopted under IC 22-13-2-13.

Chapter 3. Fees

Sec. 1. (a) The agency shall collect the following fees under this article:

- (1) An initial registration fee of one hundred dollars (\$100).**
- (2) A biennial renewal fee of one hundred dollars (\$100).**
- (3) A restoration fee of one hundred dollars (\$100).**

(b) The fees collected by the agency under this article shall be deposited by the agency in the same manner as other fees collected by the agency are deposited.

Chapter 4. Expiration of Registration

Sec. 1. A registered interior designer who fails to renew the interior designer's certificate of registration for a period of not more than five (5) years after the date the registration expires may renew the registration at any time within the five (5) year period after the registration expires by:

- (1) electronically applying to the agency for renewal of the registration;**
- (2) completing twelve (12) hours of continuing education in interior design or a discipline related to the practice of interior design within the two (2) years immediately preceding the interior designer's application for renewal of registration under this section; and**
- (3) paying the biennial renewal fee and the restoration fee under IC 25-20.7-3-1.**

Sec. 2. After the five (5) year period referred to in section 1 of this chapter, the following apply:

- (1) The agency may not restore the expired registration of an interior designer.**
- (2) To again be registered under this chapter, an interior designer must:**
 - (A) make the same application to the agency as an applicant who has not been previously registered; and**
 - (B) meet all the requirements set forth in this article for an initial registration.**

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Chapter 5. Unlawful Practice

Sec. 1. (a) A person may not use the title "registered interior designer" or any title designation sign, card, or device indicating that the person is a registered interior designer unless the person is registered with the agency under this article.

(b) A person may not:

- (1) present as the person's own registration under this article the registration of another person;**
- (2) make any false statement or representation or make a material omission of fact of any kind in obtaining a registration;**
- (3) impersonate any other registered interior designer; or**
- (4) use an expired, suspended, or revoked registration.**

(c) A person who recklessly, knowingly, or intentionally violates this section commits a Class B misdemeanor.

Sec. 2. This article does not prevent a person from practicing interior design if the person does not use a title or designation under this chapter.

Sec. 3. (a) If a civil judgment is entered against an interior designer by a court with jurisdiction in a civil judicial proceeding for negligence, recklessness, willful misconduct, or other breach of a standard of care in the practice of interior design, the interior designer must, within a reasonable time, remove the designer's name from the electronic registry maintained by the agency under IC 25-1-5.5.

(b) An interior designer against whom a civil judgment described in subsection (a) has been entered may not be registered under this article.

SECTION 38. IC 25-21.8-4-2, AS AMENDED BY P.L.3-2008, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. An individual who applies for certification as a massage therapist must do the following:

- (1) Furnish evidence satisfactory to the board showing that the individual:**
 - (A) is at least eighteen (18) years of age;**
 - (B) has a high school diploma or the equivalent of a high school diploma;**
 - (C) has successfully completed a massage therapy school or program that:**
 - (i) requires at least five hundred (500) hours of supervised classroom and hands on instruction on massage therapy;**
 - (ii) is in good standing with a state, regional, or national**

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agency of government charged with regulating massage therapy schools or programs; and

(iii) is accredited by the Indiana commission on proprietary education established by IC 21-17-2-1 or accredited by another state where the standards for massage therapy education are substantially the same as the standards in Indiana, or is a program at an institution of higher learning that is approved by the board; and

(D) has taken and passed a certification examination approved by the board.

(2) Provide a history of any criminal convictions the individual has, including any convictions related to the practice of the profession. The board shall deny an application for certification if the applicant:

(A) has been convicted of:

- (i) prostitution;
- (ii) rape; or
- (iii) sexual misconduct; or

(B) is a registered sex offender.

(3) Provide proof that the applicant has professional liability insurance in force that lists the state as an additional insured.

~~(3)~~ **(4) Verify the information submitted on the application form.**

~~(4)~~ **(5) Pay fees established by the board.**

SECTION 39. IC 25-21.8-4-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4. A massage therapist who is certified under this article shall provide proof of certification when practicing massage therapy.**

SECTION 40. IC 25-22.5-1-2, AS AMENDED BY P.L.90-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:**

(1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.

(2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.

(3) A paramedic (as defined in IC 16-18-2-266), an emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5), an emergency medical technician-intermediate

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(as defined in IC 16-18-2-112.7), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7) or basic life support (as defined in IC 16-18-2-33.5):

(A) during a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and

(B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

(4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.

(5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.

(6) A person administering a domestic or family remedy to a member of the person's family.

(7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.

(8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

(9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.

(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.

(11) A dentist practicing the dentist's profession under IC 25-14.

(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.

(13) A nurse practicing the nurse's profession under IC 25-23. However, a **certified** registered nurse **anesthetist (as defined in IC 25-23-1-1.4)** may administer anesthesia if the **certified**

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registered nurse **anesthetist** acts under the direction of and in the immediate presence of a physician. ~~and holds a certificate of completion of a course in anesthesia approved by the American Association of Nurse Anesthetists or a course approved by the board.~~

(14) An optometrist practicing the optometrist's profession under IC 25-24.

(15) A pharmacist practicing the pharmacist's profession under IC 25-26.

(16) A physical therapist practicing the physical therapist's profession under IC 25-27.

(17) A podiatrist practicing the podiatrist's profession under IC 25-29.

(18) A psychologist practicing the psychologist's profession under IC 25-33.

(19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.

(20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

(21) A hospital licensed under IC 16-21 or IC 12-25.

(22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

(A) a physician;

(B) a psychiatric hospital;

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- (C) a hospital;
- (D) a health maintenance organization or limited service health maintenance organization;
- (E) a health facility;
- (F) a dentist;
- (G) a registered or licensed practical nurse;
- (H) a midwife;
- (I) an optometrist;
- (J) a podiatrist;
- (K) a chiropractor;
- (L) a physical therapist; or
- (M) a psychologist.

(23) A physician assistant practicing the physician assistant profession under IC 25-27.5.

(24) A physician providing medical treatment under IC 25-22.5-1-2.1.

(25) An attendant who provides attendant care services (as defined in IC 16-18-2-28.5).

(26) A personal services attendant providing authorized attendant care services under IC 12-10-17.1.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:

- (1) the person performs an act that an Indiana statute does not authorize the person to perform; and
- (2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of

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medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 41. IC 25-22.5-5-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.6. (a) The board may authorize the agency to issue temporary fellowship permits for the practice of medicine. A temporary fellowship permit is subject to any termination date specified by the board.**

(b) The board may issue a temporary fellowship permit to a graduate of a school located outside the United States, its possessions, or Canada if the graduate:

- (1) applies in the form and manner required by the board;**
- (2) pays a fee set by the board;**
- (3) has completed the academic requirements for the degree of doctor of medicine from a medical school approved by the board;**
- (4) has been issued a valid permit by another state for participation in a postgraduate medical education or training program located in a state that has standards for postgraduate medical education and training satisfactory to the board;**
- (5) has been accepted into a postgraduate medical fellowship training program that:**
 - (A) is affiliated with a medical school located in a state that issued a permit under subdivision (4);**
 - (B) has a training site located in Indiana; and**
 - (C) has standards for postgraduate medical education and training satisfactory to the board;**
- (6) provides the board with documentation of the areas of medical practice for which the training is sought;**
- (7) provides the board with at least two (2) letters of reference documenting the individual's character; and**
- (8) demonstrates to the board that the individual is a physician of good character who is in good standing outside the United States, its possessions, or Canada where the person normally would practice.**

(c) Applications for a temporary fellowship permit for graduates of foreign medical schools must be made to the board subject to this section.

(d) A permit issued under this section expires one (1) year after the date it is issued and, at the discretion of the board, may be

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renewed for additional one (1) year periods upon the payment of a renewal fee set by the board by rule.

(e) An individual who applies for a temporary fellowship permit under this section is not required to take any step of the United States Medical Licensure Examination.

(f) A temporary fellowship permit must be kept in the possession of the fellowship training institution and surrendered by the institution to the board within thirty (30) days after the person ceases training in Indiana.

(g) A temporary fellowship permit authorizes a person to practice in the training institution only and, in the course of training, to practice only those medical acts approved by the board but does not authorize the person to practice medicine otherwise.

(h) The board may deny an application for a temporary fellowship permit if the training program that has accepted the applicant has:

- (1) violated; or
- (2) authorized or permitted a physician to violate;

this section.

(i) A person issued a temporary fellowship permit under this section must file an affidavit that:

- (1) is signed by a physician licensed in Indiana;
- (2) includes the license number of the signing physician;
- (3) attests that the physician will monitor the work of the physician holding the temporary fellowship permit; and
- (4) is notarized.

The affidavit must be filed with the agency before the person holding the temporary fellowship permit may provide medical services.

SECTION 42. IC 25-23-1-1.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.4. As used in this chapter, "certified registered nurse anesthetist" means a registered nurse who:

- (1) is a graduate of a nurse anesthesia educational program accredited by the ~~American Association of Nurse Anesthetists~~ (referred to as the "AANA" in this chapter) Council on Accreditation of Nurse Anesthesia Educational Programs or its predecessor;
- (2) is properly certified by successfully completing the certification examination administered by the ~~AANA's~~ Council on Certification of Nurse Anesthetists or its predecessor; and
- (3) is properly certified and in compliance with criteria for

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biennial recertification, as defined by the ~~AANA~~ Council on Recertification of Nurse Anesthetists.

SECTION 43. IC 25-23-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. **(a)** Any institution which desires to conduct a nursing education program shall apply to the board and submit evidence that:

- (1) it is prepared to give a minimum curriculum of organized instruction and clinical experience in nursing in conformity to the provisions of this chapter and the rules of the board. Such instruction and experience may be secured in one (1) or more institutions or agencies approved by the board; and
- (2) it is prepared to meet other standards established by this chapter and by the board.

(b) An institution that conducts a nursing education program may employ a person who:

- (1) is a registered nurse with a bachelor's degree in nursing; and**
- (2) has at least three (3) years of experience in nursing in the previous six (6) years;**

to instruct nursing students on a part-time basis for the purpose of clinical instruction.

SECTION 44. IC 25-23-1-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 30. **(a) A certified registered nurse anesthetist may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of a physician.**

(b) Nothing in this chapter shall be construed as requiring a certified registered nurse anesthetist to obtain prescriptive authority to administer anesthesia under ~~IC 25-22.5-1-2(12)~~. subsection (a).

SECTION 45. IC 25-23.6-5-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. **(a) The applicant for a license as a clinical social worker must have at least ~~three (3)~~ years of clinical social work experience: two (2) years of the clinical social work experience must take place after receiving the a graduate degree in social work and under the supervision of a licensed clinical social worker or an equivalent qualified supervisor as determined by the board.**

(b) If the applicant's graduate program did not emphasize direct clinical patient care or client health care services; the supervised clinical social work experience requirement must take place after the applicant has completed at least fifteen (15) semester hours or twenty-two (22) quarter hours of the required coursework. If an

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individual is obtaining the clinical social work experience described in subsection (a) in Indiana, the individual must be licensed as a social worker under section 1 of this chapter.

(c) A doctoral internship may be applied toward the supervised clinical social work experience requirement.

(d) Except as provided in subsection (e), the clinical social work experience requirement may be met by work performed at or away from the premises of the ~~supervising clinical social worker~~. **qualified supervisor.**

(e) The clinical social work requirement may not be performed away from the ~~supervising clinical social worker's~~ **qualified supervisor's** premises if:

- (1) the work is the independent private practice of clinical social work; and
- (2) the work is not performed at a place with the supervision of a ~~licensed clinical social worker or an equivalent~~ **qualified supervisor available. as determined by the board.**

SECTION 46. IC 25-23.6-8-1, AS AMENDED BY P.L.134-2008, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]: Sec. 1. An individual who applies for a license as a marriage and family therapist must meet the following requirements:

- (1) Furnish satisfactory evidence to the board that the individual has:
 - (A) received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board from an eligible postsecondary educational institution that meets the requirements under section 2.1(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 2.1(a)(2) or (2.1)(a)(3) of this chapter; and
 - (B) completed the educational requirements under section 2.5 of this chapter.
- (2) Furnish satisfactory evidence to the board that the individual has met the clinical experience requirements under section 2.7 of this chapter.
- (3) Furnish satisfactory evidence to the board that the individual:
 - (A) **except as provided in section 1.7 of this chapter**, holds a marriage and family therapist associate license, in good standing, issued under section 5 of this chapter; or
 - (B) is licensed or certified to practice as a marriage and family therapist in another state and is otherwise qualified under this

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chapter.

(4) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

(5) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a marriage and family therapist without endangering the public.

(6) Pay the fee established by the board.

SECTION 47. IC 25-23.6-8-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]: **Sec. 1.7. An individual who receives a master's degree and enters a doctoral program may do either of the following:**

(1) **Apply for a marriage and family therapist associate license under section 1.5 of this chapter by meeting the requirements of this chapter.**

(2) **Elect not to apply for a marriage and family therapist associate license under section 1.5 of this chapter, accrue the clinical experience required under section 2.7(b) of this chapter, and apply for a marriage and family therapist license at the conclusion of the doctoral program.**

SECTION 48. IC 25-23.6-8-2.7, AS AMENDED BY P.L.134-2008, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]: **Sec. 2.7. (a) As used in this section, "first available examination" means the first examination after the date of:**

- (1) **graduation; or**
- (2) **moving into Indiana;**

that has an application deadline that is at least thirty (30) days after the date of graduation or the date of moving into Indiana, unless the individual chooses to meet a deadline that is less than thirty (30) days after either of those events.

~~(a)~~ (b) An applicant for a license as a marriage and family therapist under section 1 of this chapter must have at least two (2) years of clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services. The applicant's clinical experience must include one thousand (1,000) hours of postdegree clinical experience and two hundred (200) hours of postdegree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed

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marriage and family therapist who has at least five (5) years of experience or an equivalent supervisor, as determined by the board.

~~(b)~~ Before an individual obtains any post degree clinical experience, the individual must be licensed as a marriage and family therapist associate under this chapter.

(c) If an individual applies for, takes, and passes the first available examination, the individual may not count more than five hundred (500) hours of the postdegree clinical experience that is:

- (1) required under subsection (b); and**
- (2) accumulated before taking the examination toward licensure as a marriage and family therapist.**

(d) If an individual does not pass the first available examination, the individual may:

- (1) retain the hours accumulated before taking the examination;**
- (2) continue working; and**
- (3) not accumulate any additional hours toward licensure as a marriage and family therapist until passing the examination.**

(e) If an individual does not take the first available examination, the individual may not begin accumulating any postdegree clinical experience hours toward licensure as a marriage and family therapist until the individual passes the examination.

(f) When obtaining the clinical experience required under subsection ~~(a)~~, **(b)**, the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

- (1) Unmarried couples.**
- (2) Married couples.**
- (3) Separating or divorcing couples.**
- (4) Family groups, including children.**

~~(e)~~ **(g)** A doctoral internship may be applied toward the supervised work experience requirement.

~~(d)~~ **(h)** Except as provided in subsection ~~(e)~~, **(i)**, the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

~~(e)~~ **(i)** The work requirement may not be performed away from the supervising marriage and family therapist's premises if:

- (1) the work is the independent private practice of marriage and family therapy; and**
- (2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.**

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SECTION 49. IC 25-27.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. "Approved program" means ~~a physician assistant or a surgeon assistant program accredited by an accrediting agency;~~ **an educational program for physician assistants accredited:**

(1) by the Accreditation Review Commission on Education for the Physician Assistant; or

(2) before January 1, 2001, by:

(A) the Committee on Allied Health Education and Accreditation or its successor organization; or

(B) the Commission on Accreditation of Allied Health Education Programs or its successor organization.

SECTION 50. IC 25-27.5-2-10, AS AMENDED BY P.L.90-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. "Physician assistant" means an individual who: ~~has:~~

~~(1) graduated from a physician assistant or surgeon assistant program accredited by an accrediting agency;~~

~~(2) passed the certifying examination administered by the NCCPA and maintains certification by the NCCPA; and~~

~~(3) been licensed by the committee.~~

(1) meets the qualifications under this article; and

(2) is licensed under this article.

SECTION 51. IC 25-27.5-3-5, AS AMENDED BY P.L.90-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The committee shall have regular meetings, called upon the request of the president or by a majority of the members appointed to the committee, and upon the advice and consent of the executive director of the Indiana professional licensing agency, for the transaction of business that comes before the committee under this article. At the first committee meeting of each calendar year, the committee shall elect a president and any other officer considered necessary by the committee by an affirmative vote of a majority of the members appointed to the committee.

(b) Three (3) members of the committee constitute a quorum. An affirmative vote of a majority of the members appointed to the committee is required for the committee to take action on any business.

(c) The committee shall do the following:

(1) Consider the qualifications of individuals who apply for an initial license under this article.

~~(2) Provide for examinations required under this article.~~

~~(3)~~ **(2) Approve or reject license applications.**

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- ~~(4)~~ (3) Approve or reject renewal applications.
- ~~(5)~~ (4) Approve or reject applications for a change or addition of a supervising physician.
- ~~(6)~~ (5) Propose rules to the board concerning the competent practice of physician assistants and the administration of this article.
- ~~(7)~~ (6) Recommend to the board the amounts of fees required under this article.

SECTION 52. IC 25-27.5-4-1, AS AMENDED BY P.L.90-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. An individual must be licensed by the committee before the individual may practice as a physician assistant. The committee may grant a license as a physician assistant to an applicant who does the following:

- (1) Submits an application on forms approved by the committee.
- (2) Pays the fee established by the board.
- (3) Has **either**:
 - (A) successfully:
 - (i) completed an educational program for physician assistants ~~or surgeon assistants~~ accredited by an ~~accrediting agency~~; **approved program**; and
 - ~~(B)~~ (ii) passed the Physician Assistant National Certifying Examination administered by the NCCPA and maintains current NCCPA certification; **or**
 - (B) passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants before 1986.**
- (4) Submits to the committee any other information the committee considers necessary to evaluate the applicant's qualifications.
- (5) Presents satisfactory evidence to the committee that the individual has not been:
 - (A) engaged in an act that would constitute grounds for a disciplinary sanction under IC 25-1-9; or
 - (B) the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a physician assistant without endangering the public.
- (6) Is of good moral character.**
- (7) Has been approved by the board.**

SECTION 53. IC 25-27.5-4-4, AS AMENDED BY P.L.90-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The committee may grant a temporary

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license to an applicant who

(1) meets the qualifications for licensure under section 1 of this chapter except:

(A) for the taking of the next scheduled NCCPA examination;
or

(B) if the applicant has taken the NCCPA examination and is awaiting the results; or

(2) meets the qualifications for licensure under section 1 of this chapter but is awaiting the next scheduled meeting of the committee.

(b) A temporary license is valid until

(1) the results of an applicant's examination are available; and

(2) the committee makes a final decision on the applicant's request for a license.

(c) The Indiana professional licensing agency shall immediately revoke a temporary license granted under this section upon notice to the Indiana professional licensing agency that the temporary license holder has failed the NCCPA examination. The committee or the committee's designee may extend the term of a temporary license if the committee or the committee's designee determines that there is good cause for the extension.

(d) A physician assistant practicing under a temporary license must practice with onsite physician supervision.

(e) A physician assistant who notifies the committee in writing may elect to place the physician assistant's license on an inactive status. The renewal fee for an inactive license is one-half (1/2) of the renewal fee to maintain an active license. If a physician assistant with an inactive license determines to activate the license, the physician assistant shall pay the renewal fee less any the amount paid for the inactive license.

(f) An individual who holds a license under this article and who practices as a physician assistant while:

(1) the individual's license has lapsed; or

(2) the individual is on inactive status under this section;

is considered to be practicing without a license and is subject to discipline under IC 25-1-9.

SECTION 54. IC 25-27.5-4-9, AS ADDED BY P.L.90-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) An individual who:

(1) is licensed under this chapter; and

(2) does not practice as A physician assistant under a supervising physician;

shall notify who notifies the committee in writing that the individual

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does not have a supervising physician.

(b) If an individual who is licensed under this chapter does not practice as a physician assistant under a supervising physician, the board shall place the individual's may elect to place the physician assistant's license on inactive status.

(b) The renewal fee for an inactive license is one-half (1/2) of the renewal fee to maintain an active license.

(c) An individual may reinstate a license that is placed on inactive status under this section if the individual:

- (1) submits a written application to the committee requesting that the license be placed on active status; and
- (2) provides information as required by the committee concerning the physician who will be supervising the individual.

(c) If a physician assistant with an inactive license elects to activate the license, the physician assistant shall pay the renewal fee less any of the amount paid for the inactive license.

(d) An individual who holds a license under this article and who practices as a physician assistant while:

- (1) the individual's license has lapsed; or
- (2) the individual is on inactive status under this section;

is considered to be practicing without a license and is subject to discipline under IC 25-1-9.

SECTION 55. IC 25-27.5-5-2, AS AMENDED BY P.L.90-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A physician assistant must engage in a dependent practice with physician supervision. A physician assistant may perform, under the supervision of the supervising physician, the duties and responsibilities that are delegated by the supervising physician and that are within the supervising physician's scope of practice, including prescribing and dispensing drugs and medical devices. A patient may elect to be seen, examined, and treated by the supervising physician.

(b) If a physician assistant determines that a patient needs to be examined by a physician, the physician assistant shall immediately notify the supervising physician or physician designee.

(c) If a physician assistant notifies the supervising physician that the physician should examine a patient, the supervising physician shall:

- (1) schedule an examination of the patient in a timely manner unless the patient declines; or
- (2) arrange for another physician to examine the patient.

(d) If a patient is subsequently examined by the supervising physician or another physician because of circumstances described in

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subsection (b) or (c), the visit must be considered as part of the same encounter except for in the instance of a medically appropriate referral.

(e) A supervising physician or physician assistant who does not comply with subsections (b) through (d) is subject to discipline ~~by the medical licensing board~~ under IC 25-1-9.

(f) A physician assistant's supervisory agreement with a supervising physician must:

- (1) be in writing;
- (2) include all the tasks delegated to the physician assistant by the supervising physician;
- (3) set forth the supervisory plans for the physician assistant, including the emergency procedures that the physician assistant must follow; and
- (4) specify the name of the drug or drug classification being delegated to the physician assistant and the protocol the physician assistant shall follow in prescribing a drug.

(g) The physician shall submit the supervisory agreement to the board for approval. The physician assistant may not prescribe a drug under the supervisory agreement until the board approves the supervisory agreement. Any amendment to the supervisory agreement must be resubmitted to the board for approval, and the physician assistant may not operate under any new prescriptive authority under the amended supervisory agreement until the agreement has been approved by the board.

(h) A physician or a physician assistant who violates the supervisory agreement described in this section may be disciplined under IC 25-1-9.

SECTION 56. IC 25-27.5-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. **(a)** A physician supervising a physician assistant must do the following:

- (1) Be licensed under IC 25-22.5.
- (2) Register with the board the physician's intent to supervise a physician assistant.
- (3) Submit a statement to the board that the physician will exercise supervision over the physician assistant in accordance with rules adopted by the board and retain professional and legal responsibility for the care rendered by the physician assistant.
- (4) Not have a disciplinary action restriction that limits the physician's ability to supervise a physician assistant.**

(b) Except as provided in this section, this chapter may not be construed to limit the employment arrangement with a supervising physician under this chapter.

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SECTION 57. IC 25-33-1-5.1, AS AMENDED BY P.L.2-2007, SECTION 345, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.1. (a) Except as provided in section 5.3 of this chapter, the board shall issue a license to an individual who meets the following requirements:

- (1) Applies to the board in the form and manner prescribed by the board under section 3 of this chapter.
- (2) Is at least eighteen (18) years of age.
- (3) Has not been convicted of a crime that has a direct bearing upon the applicant's ability to practice competently.
- (4) Possesses a doctoral degree in psychology:
 - (A) granted from a recognized postsecondary educational institution; and
 - (B) from a degree program approved by the board as a psychology program at the time the degree was conferred.
- (5) Is not in violation of this chapter or rules adopted by the board under section 3 of this chapter.
- (6) Has paid the fee set by the board under section 3 of this chapter.
- (7) Has passed the examination required and administered by the board.

(b) If an applicant has been disciplined by a licensing agency in another state or jurisdiction on the ground that the applicant was unable to competently practice psychology, the applicant must submit proof, satisfactory to the board, that the reasons for disciplinary sanction by the other licensing agency are no longer valid.

(c) The board shall endorse as a health service provider in psychology an individual who:

- (1) has a doctoral degree in clinical psychology, counseling psychology, school psychology, or another applied health service area of psychology;
- (2) is licensed under this section, section 5.3, or section 9 of this chapter;
- (3) has at least two (2) years of experience in a supervised health service setting ~~in which~~ **that includes:**
 - (A) one (1) year of experience **that** was obtained in an organized health service training program and ~~in which~~ at least one (1) year of experience **that** was obtained after the individual received the individual's doctoral degree in psychology; ~~and or~~
 - (B) **upon the adoption by the board of a rule defining "sequential and organized", sequential and organized**

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supervised professional experience in a health service setting in which one (1) year of experience was obtained in an organized health service training program; and

(4) complies with the continuing education requirements under IC 25-33-2.

(d) An individual who received a doctoral degree in clinical psychology, counseling psychology, school psychology, or other applied health service area in psychology before September 1, 1983, may satisfy one (1) year of the two (2) year supervised health setting experience requirement under subsection (c) by successfully completing a preceptorship program. The individual must apply in writing to the board and the board must approve the program. The preceptorship program must:

- (1) consist of at least one thousand eight hundred (1,800) hours of clinical, counseling, or school psychology work experience;
- (2) consist of at least one hundred (100) hours of direct supervision of the individual by a psychologist, at least fifty (50) hours of which must involve the diagnosis of mental and behavioral disorders and at least fifty (50) hours of which must involve the treatment of mental and behavioral disorders;
- (3) be completed in a health service setting that provides services in the diagnosis and treatment of mental and behavioral disorders;
- (4) be under the supervision of a psychologist who meets the requirements for endorsement under this section; and
- (5) be completed within two (2) years after the date the program is started.

(e) If an individual applies to the board under subsection (d), the board shall apply each hour of work experience the individual completes after applying to the board and before the board approves the preceptorship program to the one thousand eight hundred (1,800) hour work experience requirement under subsection (d)(1).

SECTION 58. IC 25-34.1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The commission may:

- (1) administer and enforce the provisions of this article;
- (2) adopt rules in accordance with IC 4-22-2 and prescribe forms for licenses, applications, principal broker certifications, and other documents which are necessary or appropriate for the administration and enforcement of this article;
- (3) issue, deny, suspend, and revoke licenses in accordance with this article, which licenses shall remain the property of the commission;

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(4) subject to IC 25-1-7, investigate complaints concerning licensees or persons the commission has reason to believe should be licensees, including complaints respecting failure to comply with this article or the rules, and, when appropriate, take action pursuant to IC 25-34.1-6;

(5) bring actions, in the name of the state of Indiana, in an appropriate circuit court in order to enforce compliance with this article or the rules;

(6) inspect the records of a licensee in accordance with rules and standards prescribed by the commission;

(7) conduct, or designate a member or other representative to conduct, public hearings on any matter for which a hearing is required under this article and exercise all powers granted in IC 4-21.5;

(8) adopt a seal containing the words "Indiana Real Estate Commission" and, through its executive director, certify copies and authenticate all acts of the commission;

(9) utilize counsel, consultants, and other persons who are necessary or appropriate to administer and enforce this article and the rules;

(10) enter into contracts and authorize expenditures that are necessary or appropriate, subject to IC 25-1-6, to administer and enforce this article and the rules;

(11) maintain the commission's office, files, records, and property in the city of Indianapolis;

(12) grant, deny, suspend, and revoke approval of examinations and courses of study as provided in IC 25-34.1-5;

(13) provide for the filing and approval of surety bonds which are required by IC 25-34.1-5;

(14) adopt rules in accordance with IC 4-22-2 necessary for the administration of the investigative fund established under IC 25-34.1-8-7.5; ~~and~~

(15) annually adopt emergency rules under IC 4-22-2-37.1 to adopt any or all parts of Uniform Standards of Professional Appraisal Practice (USPAP), including the comments to the USPAP, as published by the Appraisal Standards Board of the Appraisal Foundation, under the authority of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (12 U.S.C. 3331-3351); and

~~(15)~~ **(16)** exercise other specific powers conferred upon the commission by this article.

SECTION 59. IC 25-38.1-3-1, AS ADDED BY P.L.58-2008,

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SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A person may not practice veterinary medicine in Indiana unless the person:

- (1) is licensed as a veterinarian in Indiana; or
- (2) holds a special permit issued by the board.

(b) The following persons are exempt from the licensing or special permit requirements of this chapter:

- (1) A veterinarian on the faculty of the School of Veterinary Medicine at Purdue University performing regular duties, or a veterinarian employed by the animal disease diagnostic laboratory established by IC 21-46-3-1 performing regular duties.
- (2) A veterinary medical officer serving in the United States armed forces or veterinarian employed by a federal, state, or local government agency performing veterinary medical services that are within the scope of official duties and are performed during the period of the person's service.
- (3) An individual who is a regular student in an accredited college of veterinary medicine performing duties or actions assigned by the faculty of the School of Veterinary Medicine at Purdue University or working under the direct supervision of a licensed veterinarian.
- (4) An extern.
- (5) A veterinarian who is licensed and is a resident in another state or country and consults with a veterinarian licensed under this article.
- (6) An owner or a contract operator of an animal or a regular employee of the owner or a contract operator caring for and treating an animal, except where the ownership of the animal was transferred for purposes of circumventing this chapter.
- (7) A guest lecturing or giving instructions or demonstrations at the School of Veterinary Medicine at Purdue University, or elsewhere, in connection with a continuing education program.
- (8) An individual while engaged in bona fide scientific research that:
 - (A) reasonably requires experimentation involving animals; and
 - (B) is conducted in a facility or with a company that complies with federal regulations regarding animal welfare.
- (9) A graduate of a foreign college of veterinary medicine who is in the process of obtaining an ECFVG certificate and who is under the direct supervision of:
 - (A) the faculty of the School of Veterinary Medicine at Purdue

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University; **or**

(B) a veterinarian licensed under this article.

(10) A veterinarian who is enrolled in a postgraduate instructional program in an accredited college of veterinary medicine performing duties or actions assigned by the faculty of the School of Veterinary Medicine at Purdue University.

(11) A member in good standing of another licensed or regulated profession within Indiana who:

(A) provides assistance requested by a veterinarian licensed under this article;

(B) acts with the consent of the client;

(C) acts within a veterinarian-client-patient relationship; and

(D) acts under the direct or indirect supervision of the licensed veterinarian.

SECTION 60. IC 30-2-13-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) If a seller:

(1) ceases to have a certificate of authority or loses a professional license required to provide services under this chapter;

(2) ceases to exist or operate;

(3) is incapable of performing the seller's obligations under an unperformed contract for any reason; or

(4) sells or leases the seller's business, facilities, or assets;

the seller shall give notice to the board and to each purchaser for whom funds are held in a trust or escrow under this chapter. The notice shall specify the reason for the issuance of the notice.

(b) The seller's written notice under subsection (a) must be:

(1) addressed to the purchaser's last known address; and

(2) mailed within fifteen (15) days after the seller becomes incapable of performing the obligations under the contract.

(c) A purchaser who receives a notice under subsection (a) has thirty (30) days after the date the notice was mailed by the seller to select and designate a new seller under section 13 of this chapter to become the beneficiary of the trust or the designated recipient of the escrow funds. The first seller shall send written notice of the designation of a new seller to the newly designated seller or to the trustee.

(d) A seller shall transfer all unperformed contracts and funds held in trust or escrow under this chapter to the seller who is the successor owner or lessee of the transferring seller. The successor seller shall perform all contracts transferred under this subsection.

(e) If:

(1) the seller fails to comply with subsection (a)(1), (a)(2), or (a)(3); or

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(2) a purchaser fails to designate a new seller;
the designation shall be made by the board.

SECTION 61. IC 34-30-2-77.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 77.8. IC 16-39-7-1 (Concerning medical care providers for maintenance of health records in connection with a disaster).**

SECTION 62. IC 34-30-2-98.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 98.1. IC 25-1-5.5-4 (Concerning the registry maintained by the Indiana professional licensing agency concerning certain professions).**

SECTION 63. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 25-8-4-18; IC 25-8-12.5-7; IC 25-15-5-2; IC 25-22.5-5-4.5; IC 25-27.5-2-4.5; IC 25-27.5-3-7.

SECTION 64. [EFFECTIVE JULY 1, 2008 (RETROACTIVE)] (a) **An individual who, before July 1, 2008, receives a master's or doctoral degree described in IC 25-23.6-8-1(1)(A) and who seeks licensure under IC 25-23.6-8, as amended by P.L.134-2008, may do either of the following:**

- (1) **Seek a marriage and family therapist associate license by:**
 - (A) **applying for a marriage and family associate license under IC 25-23.6-8, as amended by P.L.134-2008, if the individual meets the requirements under IC 25-23.6-8, as amended by P.L.134-2008; and**
 - (B) **taking the required examination.**

Notwithstanding IC 25-23.6-8-2.7(b), as amended by P.L.134-2008, SECTION 43, any postdegree clinical experience that the individual obtained before July 1, 2008, counts toward the requirements of IC 25-23.6-8, as amended by P.L.134-2008.

- (2) **Seek a marriage and family therapist license by applying for a marriage and family therapist license under IC 25-23.6-8, as amended by P.L.134-2008, if the individual meets the requirements under IC 25-23.6-8, as amended by P.L.134-2008.**

(b) This SECTION expires June 30, 2013.

SECTION 65. [EFFECTIVE UPON PASSAGE] **Any action taken under IC 25-22.5-5-4.5 after June 30, 2008, but before the passage of this act is legalized and validated.**

SECTION 66. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "board" means a board, commission, or committee.**

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(b) As used in this SECTION, "committee" refers to the professional licensing study committee established under this SECTION.

(c) The professional licensing study committee is established.

(d) The committee shall do the following:

(1) Study all of the boards that regulate occupations or professions under the Indiana professional licensing agency or the state department of health.

(2) Make recommendations concerning any changes that should be made to a board described under subdivision (1) or the regulation of a profession or occupation by a board described under subdivision (1), including the following recommendations:

(A) Eliminating the board.

(B) Having the board continue regulating the profession or occupation in the same manner that the profession or occupation is currently regulated by the board.

(C) Requiring registration of a profession or occupation through the electronic registry of professions under IC 25-1-5.5, as added by this act.

(D) Requiring national certification or registration of a profession or occupation.

(E) Restructuring the board.

(F) Merging two (2) or more boards.

(e) The committee shall operate under the policies governing study committees adopted by the legislative council.

(f) Before November 1, 2009, the committee shall issue a final report to the legislative council containing the findings and recommendations of the committee.

(g) This SECTION expires December 31, 2009.

SECTION 67. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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